



# SAFETY Network

September 2008

[www.michigan.gov/ohsp](http://www.michigan.gov/ohsp)

## Michigan Safety Belt Use Reaches Record High 96.2 Percent

Following the annual two-week *Buckle Up or Pay Up. Click it or Ticket* safety belt mobilization in May, safety belt use in Michigan has increased to a new record high of 96.2 percent, according to a statewide direct observation survey provided by the Wayne State University Transportation Research Group.

The first indication safety belt use may have increased came when law enforcement agencies reported significantly fewer citations issued during the mobilization, largely in safety belt enforcement zones. With late reports now counted, officers issued approximately 10,500 safety belt

citations, a significant drop from 2006 when nearly 18,000 citations were issued.

Safety belt enforcement zones have made the enforcement effort far more visible to motorists. The use of a sign announcing the zone alerts all passing motorists that officers are focusing on safety belt use.

In 2007, Michigan was one of 10 states with a safety belt use of 90 percent or higher. Hawaii had the highest belt use at 97.6 percent last year. In 2007, Michigan's rate was 93.7 percent.

## Teens receive *Driving Skills for Life* through unique partnership



Michigan teens had the opportunity to become better and safer drivers by participating in a program sponsored by the Ford Motor Company Fund and the Governors Highway Safety Association on July 19.

Through a partnership with the Michigan Department of State Police (MSP),

Office of Highway Safety Planning, and the Driving Skills for Life (DSFL) program, 75 teen drivers learned advanced driving skills with hands-on training provided by the MSP Precision Driving Unit.

Teens got behind the wheel to learn skid control, evasive maneuvering, controlled braking and off-road recovery. Other activities included vehicle maintenance, drunk driving simulation, and a safety belt convincer.

DSFL helps young drivers improve their skills in four key areas that are critical factors in more than 60 percent of vehicle crashes including: hazard recognition, vehicle handling, speed management, space management.



### NOMINATIONS SOUGHT FOR GTSAC TRAFFIC SAFETY AWARDS

Each year the Governor's Traffic Safety Advisory Commission (GTSAC) honors organizations, programs, and/or individuals by presenting awards for outstanding contributions to traffic safety in Michigan.

Individuals or organizations may be nominated by a person who is familiar with the activities for which the nominee is being considered. A person/organization may only be nominated in one category. No self nominations are accepted, however, a person may nominate a program, organization, or activity they are involved in.

Nominees must be a Michigan resident or an organization located in the state. All entries must be postmarked on or before November 7, 2008, to be considered.

Entries will be judged by representatives of the GTSAC. Awards will be presented on March 26, 2009, at the Michigan Traffic Safety Summit in East Lansing.

Nomination forms are available at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp).

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## End of summer crackdown targets drunk drivers

DUI COURT PROGRAMS WORK TO REHABILITATE OFFENDERS, PREVENT RELAPSE

The statewide *Over the Limit. Under Arrest.* drunk driving crackdown was an important reminder that Michigan's tough drunk driving laws are strictly enforced. This effort involved federally funded drunk driving patrols by law enforcement agencies in 55 counties, August 15 through Labor Day weekend.

While most motorists make safe and responsible driving decisions, nearly 50,000 Michigan motorists were arrested for drunk driving last year. Crashes involving alcohol are eight times more likely to be fatal than those not involving an impaired driver.

An impaired driving arrest is a one-time only event for most drivers. Those convicted of drunk driving face penalties including fines up to \$500, up to 93 days in jail, up to 360 hours of community service,



six points on their driver's license, driver responsibility fees of \$2,000, higher insurance rates and an automatic six-month license suspension.

For others it takes a more intense recovery and rehabilitation program, and

that's where Michigan's DUI courts come in. DUI courts bring together law enforcement, prosecutors, judges, treatment providers and most importantly, offenders to prevent convicted drunk drivers from making the same mistakes again. DUI courts have dramatically reduced recidivism rates for repeat drunk drivers.

DUI courts take a rigorous approach to rehabilitating offenders and use a comprehensive, sustained program including therapeutic interventions, treatment and other services to reduce the chance of relapse, re-arrest and incarceration, as well as increase a participant's periods of abstinence.

The programs last from 12 to 18 months depending on the individual and their needs. Since the inception of DUI courts

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## Historic drop in U.S. highway fatalities recorded

MOTORCYCLE FATALITIES STILL RISING ACROSS THE COUNTRY

The number of people who died on the nation's roads dropped again last year, reaching historically low levels, U.S. Transportation Secretary Mary E. Peters recently announced.

Secretary Peters said that in 2007, the overall number of traffic fatalities fell to 41,059, the lowest number since 1994. In addition, the fatality rate per 100 million vehicle miles traveled was 1.37, the lowest fatality rate on record, she noted.

The Secretary added that 2.49 million people were injured in highway crashes last year, the lowest seen since the National

Highway Traffic Safety Administration began collecting injury data in 1988.

However, she noted that motorcycle safety continues to be a problem. Motorcycle fatalities now account for 13 percent of all fatalities and, in 2007 alone, the number of motorcycle riders or passengers killed on the nation's roads increased 6.6 percent over the previous year, the Secretary said.

Crash statistics are collected annually from fifty states, the District of Columbia and Puerto Rico. To view the 2007 report, visit <http://www-nrd.nhtsa.dot.gov/Pubs/811017.PDF>.

## SAVE THE DATE



### Traffic Safety Summit is March 24-26

The Michigan Office of Highway Safety Planning (OHSP) is hosting the 14th Annual Michigan Traffic Safety Summit, March 24-26, 2009, at the Kellogg Center in East Lansing.

Please visit [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp) for future updates.

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## Safe Kids program checks one millionth seat for proper installation

Safe Kids Buckle Up, the child passenger safety program of Safe Kids USA, sponsored by General Motors and Chevrolet, has reached a milestone no other program can claim: one million child safety seats checked for proper installation.

The one millionth seat was checked during an event at the Los Angeles Sports Arena in June.

Significant progress has been made since 1997 when the program checked its first car seat. Statistics from the National Highway Traffic Safety Administration show a 25 percent drop in vehicle crash fatalities for children under the age of 5 from 1997 to 2006.

More good news has been seen in restraint use. Car seats have saved the lives of an estimated 3,800 children ages 0 to 4 from 1997 to 2006. Of the children in fatal crashes where restraint use was known, 46 percent were unrestrained in 1997. This number decreased to 25 percent in 2006.



Motor vehicle crashes are the leading cause of death among children ages 3 to 14, according to NHTSA. In 2005, 1,946 children ages 14 and under died and an estimated 234,000 were injured in crashes.

Safe Kids Buckle Up has expanded from child safety seat checkups to include a variety of programs to help keep children safer in and around vehicles. The program has

distributed approximately 365,000 seats to families in need, deployed a fleet of more than 130 Chevrolet Mobile Car Seat Checkup Vans, established more than 450 permanent child safety seat inspection stations, created a new Automotive Safety Patch program with Chevrolet and the Cub Scouts, and launched the Spot the Tot and Never Leave Your Child Alone programs across the country. The program also works to upgrade state child passenger safety laws.

## MSP Forensic Science Division honored for innovation

The Michigan State Police Forensic Science Division has received the Innovations in Government Award for the Midwest Region from the National Governor's Association (NGA) for its Integrated Video Pilot Project.



The project has allowed MSP's forensic experts to testify in trials via a video link into the courtroom for the

past two years, reducing the amount of time that lab scientists are spending on the road and traveling to court for testimony. This has resulted in more time for scientists to be in the lab analyzing samples for DUI as well as other types of criminal cases while reducing the overall costs for the laboratory. The project was funded through a federal grant from the Michigan Office of Highway Safety Planning.

This project now moves on to the National Awards Program at the NGA Conference.

## 2007 Drunk Driving Audit shows 10-year low in impaired driving related deaths

The 2007 Michigan Drunk Driving Audit reveals declines across the state in alcohol and/or drug-related crashes and deaths, injury crashes, and impaired driving arrests.

Fatalities resulting from alcohol and/or drug-related traffic crashes dropped 13 percent from 440 in 2006 to 382 in 2007 and alcohol and/or drug related traffic fatalities were at their lowest in over 10 years. In fact, all fatal crashes involving a controlled substance were down in 2007.

The number of injury crashes involving alcohol and/or drugs also declined last year, dropping 4.5 percent from 5,455 in 2006 to 5,207 in 2007.

The Drunk Driving Audit, an annual report issued by the Michigan State Police, Criminal Justice Information Center, includes arrest activity by law enforcement agency for each county as well as crash, injury and fatality information by county. It is a collaborative effort among the Michigan State Police, the Michigan Department of State, and the

Michigan Department of Transportation.

In 2007, 49,867 alcohol and drug-related driving arrests were made, a drop of nearly 3,500 from 2006. Of those arrests, 47,267 resulted in convictions of operating while intoxicated (OWI) or impaired driving.

Although advertising campaigns for drunk driving enforcement have targeted young men, they continue to be the group most likely to drive drunk. Over three quarters of all those arrested for drunk driving were men.



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## U.S Supreme Court to render a major decision on vehicle searches

By Kenneth Stecker

The United States Supreme Court has agreed to hear an important Fourth Amendment case regarding the search of an automobile after the driver has been lawfully arrested.

The case is the *State of Arizona v. Rodney Joseph Gant*.

The facts of the case are that in 2000, the Tucson Police Department acted on a tip that narcotics activity was taking place at a residence. The police conducted a records check of one of the residents, Rodney Gant, and learned that Gant had an outstanding warrant for driving with a suspended license. Gant drove up to the residence while the police were there.

As he stepped out of his vehicle, an officer shined a flashlight on the car, called to him, and Gant walked toward the officer. Gant was about eight to ten feet from his car when the officer placed him under arrest, handcuffed him, and placed him into the back of a nearby patrol car. After his arrest, officers searched Gant's vehicle and found cocaine in the pocket of a jacket in the car and a weapon.

Gant was charged with unlawful possession of cocaine for sale and unlawful possession of drug paraphernalia. He filed a motion to suppress, which the court denied on the ground that the search of his car was lawful because it was a search incident to his arrest, pursuant to the United States Court decision of *New York v. Belton*. (In *Belton*, the Supreme Court held that the risks to officer safety and to the preservation of evidence inherent in the arrest of a

vehicle's recent occupant justified a contemporaneous warrantless search of the automobile's passenger compartment incident to the arrest). Gant was convicted of the charges, and he was incarcerated for three years.

The Arizona Court of Appeals reversed, and ruled that the defendant's motion to suppress should have been granted. The court further ruled that *Belton* is distinguishable because Gant stopped his vehicle and voluntarily exited his vehicle. By contrast, in *Belton*, the police confronted the suspect while he still was in his car. After the case bounced back and forth through the judicial system, in 2007, the Arizona Supreme Court ruled that the post-arrest search of his car violated the Fourth Amendment, and therefore, held the search to be illegal.

The *State of Arizona* disagreed, and petitioned to the United States Supreme Court. The Supreme Court granted the state's petition, and it will hear oral arguments on October 7, 2008. Thereafter, the court is expected to immediately render a decision after oral arguments.

The United States Supreme Court's decision will have a profound impact on law enforcement throughout the country. The Arizona decision will require the Supreme Court to re-examine the 1981 *Belton* ruling. In essence, the Supreme Court will answer this question when it renders its decision: Does the Fourth Amendment require law enforcement officers to demonstrate a threat to their safety or a need to preserve

evidence related to the crime of arrest in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's occupants have been arrested and secured?

The *State of Arizona* makes several arguments for its position. The most notable argument is that no special justification exists for overturning *Belton*, a case which lower courts have repeatedly relied upon for over twenty-seven years. On the other hand, the defendant argues that the police had no reason to believe that anyone at the scene could have gained access to his vehicle or that the officers' safety was at risk, and therefore, without probable cause, the search was illegal.

Realizing the potential ramifications this case may have on law enforcement throughout the State of Michigan; Attorney General Michael A. Cox on behalf of the State of Michigan filed a legal brief to the United States Supreme Court supporting the State of Arizona's decision.

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## What's Ahead

### SEPTEMBER

21-27 **Child Passenger Safety Week**

[www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

### OCTOBER

**International Walk to School Month**

[www.iwalktoschool.org](http://www.iwalktoschool.org)

6-10 **Drive Safely Work Week**

[www.trafficsafety.org/dsww.asp](http://www.trafficsafety.org/dsww.asp)

8 **International Walk to School Day**

[www.iwalktoschool.org](http://www.iwalktoschool.org)

19-25 **National Teen Driver Safety Week**

[www.chop.edu/consumer/jsp/division/generic.jsp?id=86589](http://www.chop.edu/consumer/jsp/division/generic.jsp?id=86589)

19-25 **National School Bus Safety Week**

[www.napt.org/displaycommon.cfm?an=7](http://www.napt.org/displaycommon.cfm?an=7)

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## Law enforcement officers across Michigan participate in Intersection Enforcement Week

Law enforcement agencies in nineteen counties patrolled high-crash intersections in their communities during Intersection Enforcement Week, July 20-26.

Agencies conducted the dedicated patrols at high-crash intersections with traffic signals in an effort to reduce crashes, injuries and deaths. The Michigan Office of Highway Safety Planning (OHSP) administered federal traffic safety funds for the Run the Red. Pay the Price. patrols.

Agencies analyzed local crash data to determine the high-crash intersections and the best time of day to set up enforcement patrols. In many areas, a spotter will alert other officers when a motorist runs a red light or commits another traffic violation in the intersection. Red-light runners face up to \$120 in fines and three points on their driver licenses.

Twenty-eight percent of crashes in Michigan in 2007 occurred in intersections, according to the Michigan State

Police, Criminal Justice Information Center. These intersection crashes resulted in 288 fatalities and 2,319 incapacitating injuries, accounting for 30 percent of traffic deaths and serious injuries.



Nearly seventy-five law enforcement agencies took part in grant-funded intersection patrols in the following counties: Barry, Eaton, Grand Traverse, Ingham, Ionia, Isabella, Kalamazoo, Lapeer, Lenawee, Livingston, Macomb, Mason, Muskegon, Oakland, Otsego, Ottawa, St. Joseph, Wayne and Wexford.

## Upgrades made to five-star safety rating program

Consumers will have better, more complete safety information about the vehicles they want to purchase under a new plan to improve the federal government's automobile crash tests and strengthen its five-star vehicle safety rating system, U.S. Transportation Secretary Mary E. Peters recently announced.

Under the improvements to the five-star safety rating program, vehicles beginning with model year 2010 will, for the first time, be given an overall safety rating that combines results from frontal, side and rollover tests. The upgraded system also will include new frontal crash tests and a new side pole test to simulate wrapping a vehicle around a tree. Peters said female crash dummies will be added to the tests, so women and larger children are represented, and that new testing for leg injuries will be done.

Also for the first time, a new rating on emerging advanced technologies will be added so consumers will know whether specific crash avoidance technologies, namely electronic stability control, lane departure warning systems, and forward collision warning systems, are optional or standard features on new vehicles.

Each year, the National Highway Traffic Safety Administration performs rollover and crash tests on new cars and trucks and assigns them a safety rating available on the window label of new vehicles.



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## NHTSA Region 5 Deputy Regional Administrator selected

Regional Operations & Program Delivery is pleased to announce the selection of John E. Balser as the Deputy Regional Administrator (DRA) for NHTSA Region 5, in Olympia Fields, Illinois.

The DRA assists the Regional Administrator in providing leadership and direction to the states in establishing priority programs designed to progress toward national highway safety goals, communicates on program and policy initiatives, provides uniform assistance and guidance on technical management and approval of

proposed programs, and monitors NHTSA funded programs.



Balser's career in the federal sector began in 1998 as a program specialist with the NHTSA Region 8 office in Colorado.

In 2003, he joined the Federal Highway Administration's Office of Safety in Washington, DC, where he continued working in close partnership with NHTSA administering joint and split funded programs. His other FHWA duties included coordinating external partnership and law enforcement relations.

Prior to joining NHTSA in 1998, he completed a successful twenty-five year career in law enforcement serving twenty-two years in West Lafayette, Indiana, where he retired as chief of police

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in Michigan, thousands of offenders have been through the programs. Offenders who complete the DUI court programs are six times less likely to be re-arrested in the first year than those offenders who go through the traditional jail and probation system after a drunk driving arrest. OHSP provides federal funds to establish DUI courts and support their operation.

The 55 counties utilizing federal traffic safety funding for overtime patrols included: Allegan, Alpena, Barry, Bay, Berrien, Calhoun, Cass, Charlevoix, Cheboygan, Chippewa, Clinton, Delta, Dickinson, Eaton, Emmet, Genesee, Gogebic, Grand Traverse, Hillsdale, Ingham, Ionia, Iron, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Mackinac, Macomb, Marquette, Mason, Menominee, Midland, Monroe, Montcalm, Muskegon, Oakland, Oceana, Ogemaw, Otsego, Ottawa, Roscommon, Saginaw, Sanilac, Schoolcraft, Shiawassee, St. Clair, St. Joseph, Van Buren, Washtenaw, Wayne, and Wexford.

## MSP Motor Carrier vehicles have new look

The look of the patrol cars driven by Michigan State Police Motor Carrier officers recently changed. The vehicles now display the Michigan State Police door shield rather than the previous "Motor Carrier Division" shield. This change was implemented

following the realignment of the Motor Carrier Division into the newly developed Traffic Safety Division. The patrol cars are now marked to signify commercial vehicle enforcement on the rear side panels.





# SAFETY Network

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